

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OCEAN RIDGE CAPITAL ADVISORS, LLC, as
Litigation Trustee of THE MAS LITIGATION TRUST

Plaintiff,

-against-

METROPOLITAN LIFE INSURANCE COMPANY;
THE NORTHWESTERN MUTUAL LIFE INSURANCE
COMPANY; CAPITAL D'AMERIQUE CDPQ INC.;
CAISSE DE DEPOT ET PLACEMENT DU QUEBEC;
CSFB LP HOLDING; SKOOG FAMILY INVEST-
MENTS, LLC; BANCAMERICA CAPITAL
INVESTORS II, L.P.; WINDWARD/PARK AB III,
L.L.C.; WINDWARD CAPITAL PARTNERS L.P.;
WINDWARD CAPITAL ASSOCIATES, L.P.; SUEZ
CAPITAL PARTNERS II, L.P.; INDOSUEZ CAPITAL
CO-INVEST PARTNERS, L.P.; SCP II ASSOCIATES;
CREDIT SUISSE FIRST BOSTON (USA), INC.;
CREDIT SUISSE FIRST BOSTON; GOLDMAN
SACHS CREDIT PARTNERS L.P.; JEFFREY A.
ANDERSON; JON F. BAKER; JOSE R. GARCIA;
ROBERT H. BARTON III; H.H. WACASER; PETER
S. MACDONALD; GARY SWENSON; JOHN F.
MAYPOLE; THOMAS GRAHAM; DONALD A.
MCKAY; HENRY A. NICKOL; JEFFREY HODGMAN;
A. KIPP KOESTER; CRAIG VAN ESS; GURMINDER
S. BEDI; THOMAS WALKER; JACK SKOOG; and
DEAN VANEK.

Defendants.

: Case No. 07 CV 3213

: Honorable Shira A. Scheindlin

: NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Thomas J. Verticchio, Esq., sworn to on the 13th day of July, 2007, and the accompanying memorandum of law, and upon all prior papers and proceedings, Defendant Dean Vanek shall move this Court on the 25th day of July, 2007, at the United States Courthouse, 500 Pearl Street, New York, New York for an Order granting Defendant Dean Vanek's motion for relief from certain of the requirements under

Rule 12 of the Federal Rules of Civil Procedure, as more fully described in the accompanying memorandum of law in support of this motion, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
July 13, 2007

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